

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE TONEY,

Plaintiff

v.

JEROME WALSH, ET AL.,

Defendants

CIVIL NO. 3:CV-13-09

(Judge Conaboy)

**FILED
SCRANTON**

JAN 10 2013

~~ORDER~~

PER

DEPUTY CLERK

AND NOW, THEREFORE, THIS 10 DAY OF JANUARY, 2013, in
accordance with the accompanying Memorandum, IT IS HEREBY ORDERED
THAT:

1. Plaintiff's in forma pauperis motion is construed as a motion to proceed without full prepayment of fees and costs and the motion is **GRANTED**.
2. Toney's complaint is **DISMISSED WITHOUT PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915 (e) (2) (B) (i).
3. The Clerk of Court is directed to **CLOSE** the case.
4. Any appeal from this Order will be deemed frivolous, without probable cause and not taken in good faith.


RICHARD P. CONABOY
United States District Judge